

Remarks

Applicant respectfully submits that entry of this Response is proper as it makes no amendments to the claims other than a minor amendment to claim 11. Applicant respectfully requests entry of this amendment, as the amendment is clarifying in nature, based upon the definition of “adjacent” set forth in the Final Office Action, and does not require any further search.

The Examiner has maintained the rejection of independent claims 1, 11 and 12 under 35 U.S.C. §102(b) as anticipated by Enomoto, U.S. Patent No. 5,709,535. Applicant respectfully requests reconsideration of this rejection in view of the below remarks.

Independent Claim 1

As explained in Applicant’s response to the prior Office Action, Enomoto does not anticipate independent claim 1 because it does not disclose a “compressor head having a discharge channel into which the at least one flap of [the] second plate opens.” While Enomoto does disclose adjacent first and second plates with corresponding apertures/flaps, the inclined member 30a that extends upwards into the compressor head discharge channel is actually a portion of a stopper plate 30—it is not a flap of the

cited “second plate” that is mounted adjacent the “first plate” (which is in turn mounted adjacent the pump mechanism). See Fig. 3.

The Examiner asserts, however, that this inclined portion of the stopper plate “does not prevent the flap of the second plate from entering the compressor head, but instead, simply limits the extent to which the flap enters.” Final O.A. at 7. Applicant respectfully submits that this is simply not the case. This is apparent from a close examination of Figure 4, which, as stated at Col.4, Ins 45-46 & Col.5, Ins 36-37, is an enlarged view of the relevant portion of Figure 3. As shown in Figure 4, the member 30a of the stopper plate 30 is a rigid portion of the stopper sheet that specifically prevents the flap 27a of the second plate 27 from flexing up into the compressor head. See Fig. 4; Col.5, Ins 51-62. As can be seen clearly in Figure 4, the flap 27(a) never breaks the plane of the stopper sheet 30. Accordingly, the flap 27(a) never flexes up into the compressor head located adjacent the stopper sheet.

Additionally, as also noted in Applicant’s response to the prior Office Action, it would not have been obvious for one skilled in the art to make this change because, first, there is simply no suggestion to do so, second, Enomoto specifically teaches against allowing the flaps to flex into the compressor head discharge channel, and third, such a modification would render Enomoto unsuitable for its intended purpose, for the reasons further explained therein.

Independent Claim 11

As explained above in reference to claim 1, Enomoto discloses a compressor that, as a fundamental aspect of its design, employs a stopper plate between the second valve plate and the cover. Accordingly, in Applicant's response to the prior Office Action, Applicant observed that Enomoto does not disclose "a cover *mounted adjacent* the second plate," as that plate is defined in the rest of the claim (i.e., mounted adjacent a first plate, which is in turn mounted adjacent the pump mechanism, the first and second plates having corresponding flexing flaps/apertures).

The Examiner asserts, however, that "the term adjacent does not prevent an element or object from existing between two elements considered adjacent." Final O.A. at 7. Accordingly, it is apparently the Examiner's position that the term "adjacent" does not necessarily imply abutting. Accordingly, Applicant has amended claim 11 to specifically recite "adjacent to and abutting" in order to obviate any potential discrepancy in the definition of this term.

Further, for the same reasons explained above, the invention recited in claim 11 would not be obvious over Enomoto, as modifying the Enomoto design to eliminate the stopper plate would be contrary to its explicit teachings and its intended purpose.

Independent Claim 12

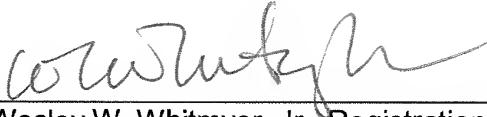
As set forth in Applicant's response to the prior Office Action, Enomoto does not anticipate or render obvious claim 12 because it does not disclose an "inlet port in said swash plate housing for introducing fluid that is to be passed through said plates." Applicant submits that the disclosure of Enomoto does not in any way teach or fairly suggest such an inlet port. Indeed, such a port would not work in the Enomoto design, as the Enomoto reference does not disclose any passageway that could communicate fluid from the swash plate chamber to the cylinder bores.

Applicant respectfully notes that the Examiner has not responded to Applicant's argument in this regard.

For the reasons set forth above, it is respectfully submitted that claims 1-17, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

November 9, 2006


Wesley W. Whitmyer, Jr., Registration No. 33,558
David W. Aldrich, Registration No. 51,159
Attorneys for Applicants
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155